

## Wochnick, Heather M CIV USN (US)

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**From:** Callaway, Rex CIV NAVFAC SW  
**Sent:** Tuesday, February 16, 2010 7:14  
**To:** Gilkey, Douglas E CIV OASN (I&E) BRAC PMO West; Macchiarella, Thomas L CIV OASN (I&E) BRAC PMO West; Forman, Keith S CIV OASN (I&E) BRAC PMO West; Cummins, John M CIV NAVFAC SW; Liotta, Rita M CIV WEST Counsel; Kito, Melanie R CIV NAVFAC SW; Larson, Elizabeth A CIV OASN (I&E) BRAC PMO West  
**Subject:** FW: 2/17 18/10 ETCA & AOC Meetings Agenda.DOC  
**Attachments:** 2\_17 18\_10 ETCA & AOC Meetings Agenda(63912968\_1) (4).DOC  
  
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FYI, Rex

-----Original Message-----

From: Hailstocke-Johnson, Ericka M. [mailto:erickahailstockejohnson@paulhastings.com]  
Sent: Friday, February 12, 2010 15:04  
To: amy.brownell@sfdph.org; Barry.Steinberg@KutakRock.com; Carr.Robert@epamail.epa.gov; Celena.Chen@sfgov.org; Warren, Elaine; george.schlossberg@kutakrock.com; Hart, Gordon E.; Joshua A. Bloom; relliott@dtsc.ca.gov; Callaway, Rex CIV NAVFAC SW; Forman, Keith S CIV OASN (I&E) BRAC PMO West; ripperda.mark@epamail.epa.gov; RMiya@dtsc.ca.gov; RSteenenson@waterboards.ca.gov; ANauble@waterboards.ca.gov; drathnayake@mactec.com; Jeff.Austin@lennar.com; Cummins, John M CIV NAVFAC SW; Liotta, Rita M CIV WEST Counsel; RBrandt@Geosyntec.com; JFenton@mactec.com; LRHendry@mactec.com  
Subject: 2/17 18/10 ETCA & AOC Meetings Agenda.DOC

All,  
Attached is the agenda for the February 17th and 18th ETCA & AOC meetings in Sacramento.  
Thank you,  
Ericka

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# **Agenda Hunters Point Shipyard ETCA & AOC Meeting**

**February 17, 2010**

**California Environmental Protection Agency Headquarters Building  
1001 I Street, Room 1910  
Sacramento, CA**

**February 18, 2010**

**Paul, Hastings, Janofsky & Walker LLP  
1127 Eleventh Street, Suite 905  
Sacramento, CA**

February 17, 2010 – 8am – 11am

Call-in Information: Dial In: (b) (4)

1. Introduction & Agenda Review
2. Regulatory Response Costs – ETCA § 226  
Clarifying the meaning of the DoD policy.
3. ROD Amendments/ESDs/Remedy Failure – ETCA §§ 101, 207, 211  
Clarifying responsibility for work incurred as a result of these circumstances.
4. Scope of Environmental Services – ETCA §§ 101, 211, 212, 213, 214, 221  
Transition from known and unknown conditions to insured conditions and insured scope of work.  
Clarifying the method of performance (technical scope of work).
5. Obligations for Navy-Retained Conditions (NRCs) – ETCA § 206  
Address investigative costs associated with NRCs.
6. Status of IR 7/18 – ETCA Appendix 13  
Clarification on long-term O&M Agreement/Additional Cooperative Agreement vehicles.
7. FFA Obligations – ETCA General Provisions

February 18, 2010 – 9am – 12pm

Dial In: (b) (4)

8. Recap of Issues Covered in February 17th Morning Meeting
9. Ineligible Work – ETCA § 218

10. Redevelopment Activity – ETCA § 219
11. Timing of Implementation of Cover Remedy – ETCA § 301  
Presentation of Seven-Year Cover Concept.
12. Radiological Materials Definition – ETCA § 215
13. Specific Timelines for Deliverables – ETCA §§ 301(g), 302(c), 302(d)
14. Navy Approval of Land Use Changes – ETCA § 301(l)
15. Covenant Not to Sue/Releases – ETCA § 711
16. Remedies/Representations – ETCA § 1001
17. Other Issues pertaining to the Agency January 29, 2010 Markup

### **Noon- Lunch Break**

February 18, 2010 – 1pm – 5pm

1. General Discussion of EIR Non-Stadium Residential Variant (process for approving residential use of Parcel G) – AOC ¶ 34(a)
2. ETCA issues as they relate to the AOC
  - Regulatory Response Costs – AOC ¶¶ 12, 58-63
  - ROD Amendments/ESDs/Remedy Failure - ¶ 29
  - Scope of Environmental Services – AOC ¶ 12
  - Navy Retained Conditions – AOC ¶ 12
  - Seven-year cover – AOC § XVII
3. Remedial Design Obligations – AOC ¶ 21
4. Petroleum Corrective Action Plans/Role of Water Board
5. Dispute Resolution – AOC § XXIII
6. Stipulated Penalties – AOC § XXIV
7. Covenants not to Sue – AOC §§ XXV-XXVIII

### **Review of Action Items & Adjournment**